

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2745

United States of America,

Appellee,

v.

Rene Jacques LaPointe,

Appellant.

*

*

*

*

*

*

*

*

*

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: December 21, 2001

Filed: December 27, 2001

Before WOLLMAN, Chief Judge, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Rene Jacques LaPointe pleaded guilty to unarmed bank robbery and conspiracy to commit unarmed bank robbery in violation of 18 U.S.C. §§ 2113(a) and 2. The district court¹ sentenced him to 151 months in prison and 3 years of supervised release. On appeal, counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and filed a brief raising the issue whether the district court erred in

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

denying LaPointe's motion for downward departure based on the government's alleged bad-faith refusal to file a substantial-assistance departure motion.

The government argued in the district court that LaPointe had not provided substantial assistance, and we find that LaPointe did not show that the government's refusal to file a motion was made in bad faith. See Wade v. United States, 504 U.S. 181, 186 (1992) (defendant must show government's refusal to move for departure was not rationally related to any legitimate government purpose).

Moreover, following our independent review, see Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm the sentence, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.